

## Remarks

Claims 1-26 are in the application, claims 5-16 having been withdrawn from examination by the examiner and new claims 23-26 added by this amendment.

The examiner's notification that prior claims 3, 4, 19 would be allowable if amended to overcome the rejection under 35 USC 112 and rewritten in independent form is noted with appreciation and prior claim 20 would be allowable rewritten in independent form.

Accordingly, original claims 3/1, 4/2/1 and 19/17 have been amended to overcome the rejection under 35 USC 112 and rewritten in independent form as new claims 23, 24 and 25. Prior claim 20/17 has been rewritten as new claim 26. Claims 1 have been amended to emphasize that the complementary object halves are complementary halves of a (same) person's face to provide animation. Claim 22 has been amended to emphasize that the object has plural positions of movement.

In the office action, the examiner has rejected original claims 1, 17 and 22 as anticipated by Russell. However, Russell does not teach the provision of an animation effect in particular by mounting complementary halves of a (same) person's face, complementary body halves or complementary halves of an object with plural positions of movement in sequentially different positions of movement behind respective adjacent prism faces.

To obtain the claimed animation there must be a recognizable relationship between the composite images obtained by reflection of respective complementary half images. In particular, the composite images must be identifiable as the face of the same person or body of the same character or object with plural positions of movement to obtain an animation effect such as a change of facial expression, gesture or position..

In contrast to the claimed invention, in the reference, the two geometric images on opposite sides of the line of symmetry are not complementary, but unrelated to each other, (in other words, one cannot be identified as belonging to the other). The composite images arising from reflection are similarly unrelated to each other.

Therefore, the sequential viewing of different geometric figures taught by

Russell cannot provide the claimed animation effect - certainly not meeting the standard of inevitability required for anticipation according to the meaning of 35 USC 102.

It is believed that the examiner is relying on speculation which can never meet the established accepted standard. Anticipation cannot be accidental and unwitting (*In re Felton*, 179 USPQ 295 and *In re Marshall*, 198 USPQ 344). argued that

Concerning both the rejection under 35 USC 102 and 35 USC 103, the patentable novelty is not "predicated on mere printed matter....." but on an interaction of printed matter and structure which together provides a synergistic effect

In this connection, attention is drawn to U.S. 5,358,282 issued 1994 to Giambruno et al, as providing documentary evidence and precedence of the current policy practice of the Patent Office to allow patents in which a particular printed image provides a special perceptual effect when viewed by a person, in that case an after-image, or persistence of vision effect.


Favorable reconsideration of the application is requested.

Authorization is given to deduct the additional claims fee (4 additional independent \$168 plus 4 additional dependent \$36, total \$204) on a small entity basis from deposit account 21- 0760 of the undersigned.

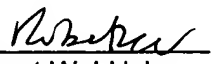
A one month extension of time for responding to the outstanding office action is requested and authorization is given to deduct the fee of \$55 from deposit account 21- 0760 of the undersigned. .

A model demonstrative of one aspect of the invention is enclosed.

Respectfully submitted

  
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The undersigned certifies that this paper together with any attachments is being deposited with the U.S Postal Service as first class mail addressed to Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450 on July 28, 2003

By  Date: 7/27/2003  
Robert W J Usher